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OLL 84-1246
2 APR 1984

MEMORANDUM FOR: Executive Secretary

FROM: Clair E. George
Director, Office of Legislative Liaison

SUBJECT: Status of Agency Response to House Committee on Government Operations

1. You have requested the status of the Agency's comments on H.R. 4620, the "Federal Telecommunications Privacy Act of 1984," requested by Chairman Jack Brooks of the House Committee on Government Operations. Chairman Brooks, in a letter dated 21 March, has restated his original 6 February request for the Agency's views on this bill so that the Committee may incorporate these comments in its mark-up of this legislation scheduled "in the very near future."

2. In response to Chairman Brooks' original request of 6 February for comments on this legislation, a draft response was prepared and submitted for Administration clearance to the Office of Management and Budget (OMB) on 8 March 1984. A copy of this 6 February request and our proposed response is attached hereto at Tab A. Our proposed response is still at OMB where it is awaiting Administration clearance. OMB informs us that they anticipate approving our proposed response by the end of this week, along with other related materials submitted by other agencies on this same subject. OMB also informs us that in recent discussions with staff members of Representative Brooks' committee, that the Committee staff has indicated that mark-up of this legislation will not occur before early April. We thus should have our response cleared by OMB in sufficient time to have these comments considered by the Committee staff in its mark-up of this legislation.

3. For your information, Representative Brooks' staff was informally advised of the Agency's concerns and of the fact that our proposed response is tied up in the OMB clearance process in the middle of February. Further, an interim response, pending OMB clearance of our views, was provided to Chairman Brooks on 14 February 1984 (copy attached at Tab B).

/s/ Clair E. George

Clair E. George

Attachments

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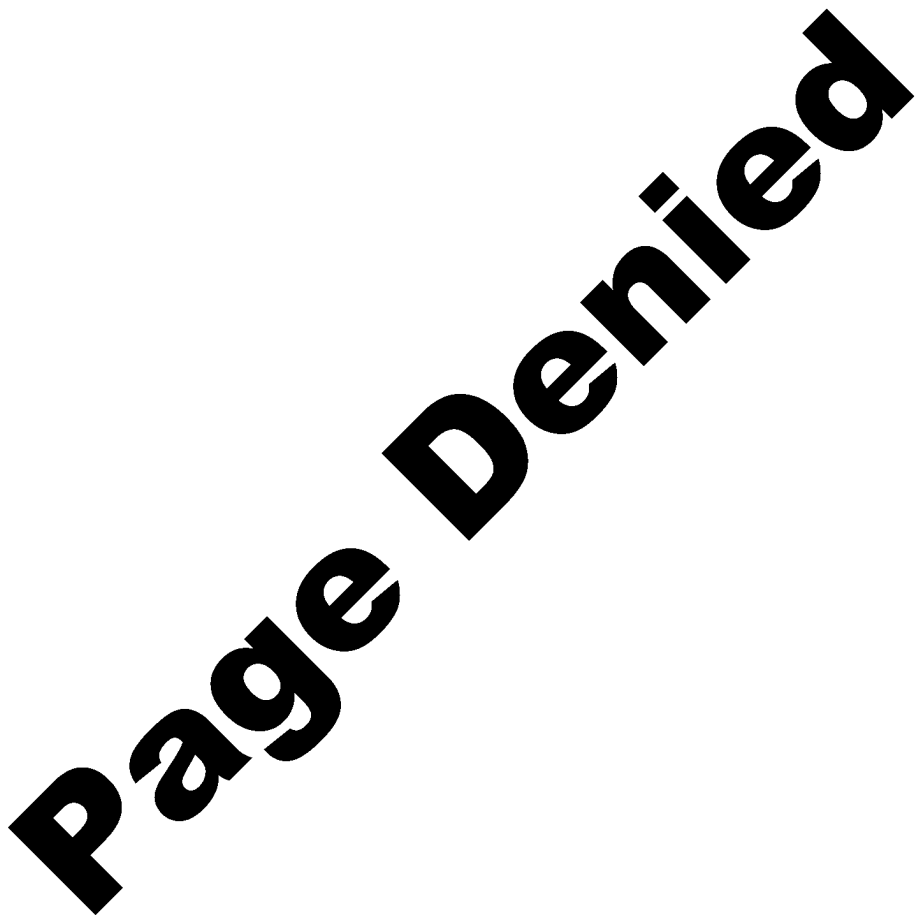

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Central Intelligence Agency

Washington, D.C. 20505

OLL#84-0981

8 MAR 1984

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

Enclosed is a letter to Representative Jack Brooks, Chairman, House Government Operations Committee, responding to his request for the views of the Central Intelligence Agency (CIA) on H.R. 4620, a bill to amend the Federal Property and Administrative Services Act of 1949 to prohibit federal officials from monitoring or recording telephone conversations without the consent of all parties. Your advice is requested whether there is any objection to the submission of this letter from the standpoint of the President's program.

For your information, I have also enclosed a copy of the Agency's 15 February 1984 response to Mr. Brooks' request for information concerning compliance with the requirements of the General Services Administration regulations on recording and listening in on telephone conversations by federal agencies. This 15 February 1984 letter is referenced in the subject Agency response on H.R. 4620.

If I can provide additional information to expedite clearances of the Agency's response on H.R. 4620, please do not hesitate to call me or [redacted] of my office [redacted] STAT

Sincerely,

STAT

/s/ Clair E. George

Clair E. George
Director, Office of Legislative Liaison

Enclosures

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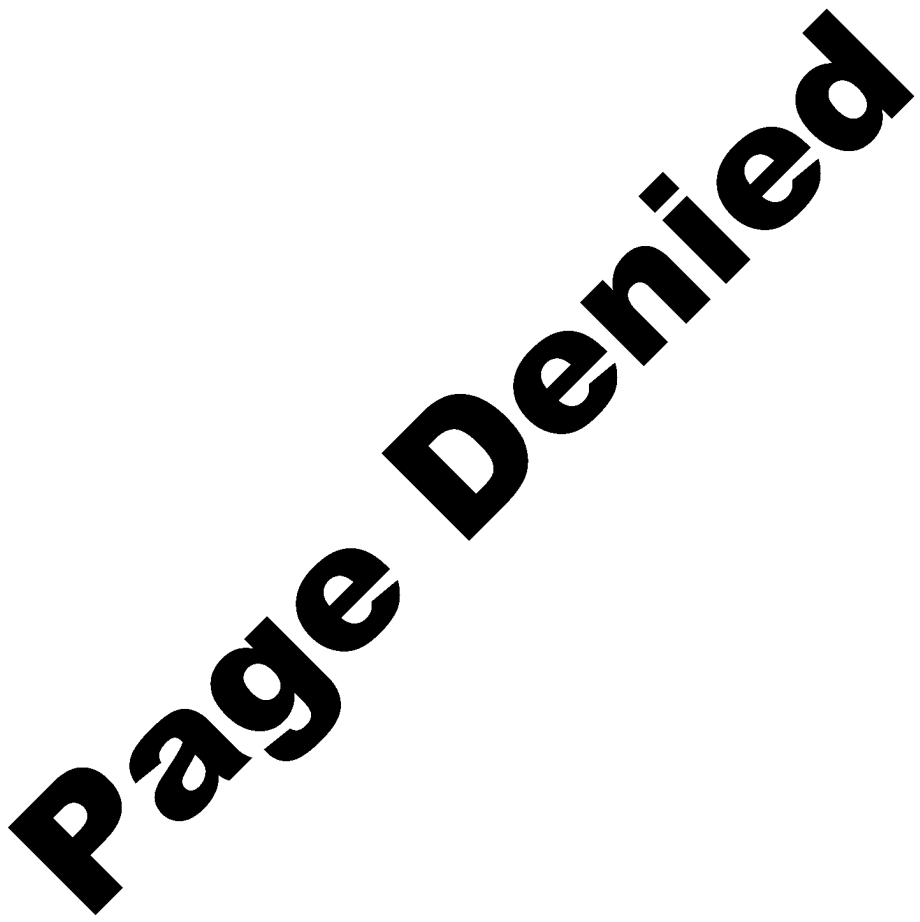

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Central Intelligence Agency

Washington, D.C. 20505

The Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Central Intelligence Agency concerning H.R. 4620, a bill to amend the Federal Property and Administrative Services Act of 1949 (FPASA) to prohibit federal officials from monitoring or recording telephone conversations without the consent of all parties. Mr. Casey has asked me to respond on his behalf.

As drafted, H.R. 4620 would not affect CIA activities because the Agency is exempt from the underlying provisions of the FPASA that would be amended by the bill. See 40 U.S.C. § 474. As we have previously informed your Committee by letter dated 15 February 1984, notwithstanding our statutory exemption we have promulgated internal regulations that protect against abuses in connection with telephone monitoring. These procedures authorize monitoring or recording of telephone conversations by Agency personnel with one party's consent if conducted for authorized intelligence purposes and with appropriate senior approval.

Although in its current form H.R. 4620 would not have any impact on CIA activities, the bill could adversely affect the activities of other members of the Intelligence Community. In this regard, I note that the National Security Agency (NSA) has written to you identifying certain aspects of H.R. 4620 that could adversely affect the conduct of their activities. These concerns include the fact that only recordings made for counterintelligence purposes are exempted from the strictures of the bill, with no protection provided to other vital intelligence functions, and that the Privacy Act provisions of this bill could apply to records of any telecommunication recorded or monitored in accordance with other statutes. We endorse the views stated in the NSA letter and urge you to consider the equities of other intelligence agencies before acting favorably upon H.R. 4620.

Approved For Release 2008/10/24 : CIA-RDP90B01370R001201580045-6

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If you should have any further questions, or if we can be of further assistance, please contact me or [redacted] of my Office at [redacted] STAT

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program. Thank you for the opportunity to comment on this legislation.

STAT

Sincerely,

Clair E. George
Director, Office of Legislative Liaison

Approved For Release 2008/10/24 : CIA-RDP90B01370R001201580045-6

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Central Intelligence Agency

Washington, D.C. 20505

15 FEB 1984

OLL 84-0581

The Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your 18 January letter to the Director of Central Intelligence requesting information concerning the compliance of the Central Intelligence Agency (CIA) with the requirements of the General Services Administration (GSA) regulations on recording and listening-in on telephone conversations by federal agencies. Mr. Casey has asked me to respond on his behalf.

As you know, the GSA regulations on recording and listening-in on telephone conversations prohibit such activity except in limited circumstances. In a note immediately following 41 C.F.R. § 101-37.311, however, the GSA regulations expressly exempt authorized intelligence activities from the scope of these regulations. The GSA regulations cited in your letter thus do not apply to the CIA, and the CIA consequently does not maintain any of the documents you requested in your letter.

Although the GSA regulations on recording and listening-in on telephone conversations do not apply to CIA, the CIA has issued its own procedures to protect against abuses in connection with telephone monitoring. These procedures authorize monitoring or recording of telephone conversations by Agency personnel with one party's consent only if conducted for authorized intelligence purposes and with appropriate senior approval. Like the GSA regulations, these procedures permit monitoring or recording of telephone conversations with the consent of all parties to the conversation.

In contrast to the activities of other government agencies, the sensitive intelligence and national security responsibilities of Intelligence Community agencies present

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special needs and mandate special treatment. In light of these special needs, no regulatory or legislative action should be undertaken that would adversely affect the efficient and secure conduct of these important functions.

I hope this information is helpful to you.

Sincerely,

/s/ Clair E. George

Clair E. George
Director, Office of Legislative Liaison

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Central Intelligence Agency

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Washington, D.C. 20505

OLL 84-0480

14 FEB 1984

The Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Central Intelligence Agency on H.R. 4620, a bill "To protect the recording of conversations made on the Federal telecommunications system, and for other purposes."

We are formulating our position with respect to this bill, and we will send you our report as soon as it has been appropriately coordinated within the Executive Branch and cleared by the Office of Management and Budget.

Sincerely,

/s/ Clair E. George

Clair E. George
Director, Office of Legislative Liaison

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1 - [redacted]
[redacted] (13 February 1984) STAT

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